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CENTRAL FAX CENTERPATENT  
MAY 23 2007 450100-04942**REMARKS**

In the Office Action under reply, claims 1-9, all the claims remaining in this application, were rejected under 35 USC 101, allegedly because the claimed invention "has no tangible, useful and concrete results to the processed data," although, as the Examiner recognizes, these terms have not yet been defined. The Examiner further contends that "the claim limitation is a sequence of means, which does not show the actual process of the data, which is not statutory."

Applicants respectfully disagree with the Examiner's conclusion that the claim limitations are nothing more than a sequence of means that do nothing. Claim 1, as an example, recites the following elements:

"means for recording desired files on a recording medium;"

"means for updating an index file ... on the recording medium...;"

"means for setting the valid/invalid flag ...".

Claim 1 is presented in means plus function format and, as the Examiner recognizes, is consistent with 35 USC 112, paragraph 6. As such, claim 1 is not a mere recitation of "a sequence of means." Rather, claim 1 recites the functions of the recited means, which clearly is permitted by the patent statute. Claim 1 is directed to a machine, which is one of the specific patent-eligible inventions enumerated in 35 USC 101.

Nevertheless, in an effort to expedite the prosecution of this application to its successful conclusion, claim 1 is amended to recite the tangible, useful and concrete results of the claimed invention. As amended, claim 1 recites:

"A recording apparatus for recording on a recording medium electronic files and an index file to assist in the subsequent reproduction of a recorded file".

Thus, the recording apparatus records electronic files and also records an index file that is used to assist in the subsequent reproduction of a recorded file.

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Claim 4, like claim 1, is set out in means plus function format, and recites:

“means for recording desired files on a recording medium;”

“means for updating an index file ...;”

“means for setting the higher hierarchy, lower hierarchy and same hierarchy reference information ...;”

“means for setting the valid/invalid flag ...”.

Claim 4 also has been amended to recite the tangible, useful and concrete results of the claimed invention.

Claim 9 also is like claim 1 and is set out in means plus function format. Claim 9 recites:

“means for recording desired files on a recording medium;”

“means for updating an index file ...;”

“means for setting the valid/invalid flag ...;”

“means for setting the reference information...”.


Claim 9 also has been amended to recite the tangible, useful and concrete results of the claimed invention.

In view of the foregoing, it is respectfully submitted claims 1-9 define statutory subject matter, are in full compliance with 35 USC 101 and are in condition for allowance. An early notice to this effect is respectfully solicited.

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Should the Examiner be of a contrary view, it is requested that he provide the reasoning and explanation necessary to understand the basis for that contrary view.

Respectfully submitted,  
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